



IIB

110TH CONGRESS  
2D SESSION

# H. R. 4848

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 6), 2008

Received; read twice and referred to the Committee on Finance

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## AN ACT

To extend for one year parity in the application of certain limits to mental health benefits, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PARITY IN APPLICATION OF CERTAIN LIMITS**  
2 **TO MENTAL HEALTH BENEFITS.**

3 (a) AMENDMENT TO THE INTERNAL REVENUE CODE  
4 OF 1986.—Section 9812(f)(3) of the Internal Revenue  
5 Code of 1986 is amended by striking “2007” and inserting  
6 “2008”.

7 (b) AMENDMENT TO THE EMPLOYEE RETIREMENT  
8 INCOME SECURITY ACT OF 1974.—Section 712(f) of the  
9 Employee Retirement Income Security Act of 1974 (29  
10 U.S.C. 1185a(f)) is amended by striking “2007” and in-  
11 serting “2008”.

12 (c) AMENDMENT TO THE PUBLIC HEALTH SERVICE  
13 ACT.—Section 2705(f) of the Public Health Service Act  
14 (42 U.S.C. 300gg-5(f)) is amended by striking “2007”  
15 and inserting “2008”.

16 **SEC. 2. INCLUSION OF MEDICARE PROVIDERS AND SUP-**  
17 **PLIERS IN FEDERAL PAYMENT LEVY AND AD-**  
18 **MINISTRATIVE OFFSET PROGRAM.**

19 (a) IN GENERAL.—Section 1874 of the Social Secu-  
20 rity Act (42 U.S.C. 1395kk) is amended by adding at the  
21 end the following new subsection:

22 “(d) INCLUSION OF MEDICARE PROVIDER AND SUP-  
23 PLIER PAYMENTS IN FEDERAL PAYMENT LEVY PRO-  
24 GRAM.—

25 “(1) IN GENERAL.—The Centers for Medicare  
26 & Medicaid Services shall take all necessary steps to

1 participate in the Federal Payment Levy Program  
2 under section 6331(h) of the Internal Revenue Code  
3 of 1986 as soon as possible and shall ensure that—

4 “(A) at least 50 percent of all payments  
5 under parts A and B are processed through  
6 such program beginning within 1 year after the  
7 date of the enactment of this section;

8 “(B) at least 75 percent of all payments  
9 under parts A and B are processed through  
10 such program beginning within 2 years after  
11 such date; and

12 “(C) all payments under parts A and B  
13 are processed through such program beginning  
14 not later than September 30, 2011.

15 “(2) ASSISTANCE.—The Financial Management  
16 Service and the Internal Revenue Service shall pro-  
17 vide assistance to the Centers for Medicare & Med-  
18 icaid Services to ensure that all payments described  
19 in paragraph (1) are included in the Federal Pay-  
20 ment Levy Program by the deadlines specified in  
21 that subsection.”.

22 (b) APPLICATION OF ADMINISTRATIVE OFFSET PRO-  
23 VISIONS TO MEDICARE PROVIDER OR SUPPLIER PAY-  
24 MENTS.—Section 3716 of title 31, United States Code, is  
25 amended—

(1) by inserting “the Department of Health and Human Services,” after “United States Postal Service,” in subsection (c)(1)(A); and

(2) by adding at the end of subsection (c)(3) the following new subparagraph:

“(D) This section shall apply to payments made after the date which is 90 days after the enactment of this subparagraph (or such earlier date as designated by the Secretary of Health and Human Services) with respect to claims or debts, and to amounts payable, under title XVIII of the Social Security Act.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 3. DEPOSIT OF EXCESS SAVINGS IN PAQI FUND.**

(a) **IN GENERAL.**—In addition to any amounts otherwise made available to the Physician Assistance and Quality Initiative Fund under section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)), there shall be made available to such Fund—

(1) \$93,000,000 for expenditures during or after 2009;

(2) \$212,000,000 for expenditures during or after 2014; and

1 (3) \$44,000,000 for expenditures during or  
2 after 2018.

3 (b) OBLIGATION.—The Secretary of Health and  
4 Human Services shall provide for expenditures from the  
5 Fund specified in subsection (a) in a manner designed to  
6 provide (to the maximum extent feasible) for the obliga-  
7 tion of the entire amount specified in—

8 (1) subsection (a)(1) for payment with respect  
9 to physicians' services furnished during or after Jan-  
10 uary 1, 2009;

11 (2) subsection (a)(2) for payment with respect  
12 to physicians' services furnished on or after January  
13 1, 2014; and

14 (3) subsection (a)(3) for payment with respect  
15 to physicians' services furnished on or after January  
16 1, 2018.

17 **SEC. 4. PROTECTION OF SOCIAL SECURITY.**

18 To ensure that the assets of the trust funds estab-  
19 lished under section 201 of the Social Security Act (42  
20 U.S.C. 401) are not reduced as a result of the enactment  
21 of this Act, the Secretary of the Treasury shall transfer  
22 from the general revenues of the Federal Government to  
23 those trust funds the following amounts:

24 (1) For fiscal year 2008, \$1,000,000.



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1 (2) For fiscal year 2009, \$5,000,000.

2 (3) For fiscal year 2010, \$1,000,000.

Passed the House of Representatives February 7,  
2008.

Attest:

LORRAINE C. MILLER,

*Clerk.*